

Oct. 13. 1902.

CORRESPONDENCE

BETWEEN

Lord MACARTNEY and Major General STUART,

Since Lord MACARTNEY's Arrival in England,

From 10th January to 8th June 1786.



From Major General STUART to Lord MACARTNEY.

Lower Grosvenor Street, Jan. 10th, 1786.—Tuesday Afternoon.

MAJOR GENERAL STUART takes the earliest opportunity in his power to communicate to Lord Macartney an extract from the Petition on his part, laid before his Majesty, and to acquaint Lord M. that the whole of that Petition may be seen at Lord Sydney's Office, and at the India House.

Extract from M. G. S.'s Petition to the King, dated July 26th, 1785.

“ He (the Petitioner) begs leave, however, in justice to himself, only
“ to observe in point of fact, That while in India, and when made ac-
“ quainted with the contents of the Minutes of the President of the Select
“ Committee, which contained the Charges against him, he never failed to
“ take the very first opportunity of declaring to Lord Macartney, the Pre-
“ sident of that Committee, in the strongest and most unequivocal terms,
“ both verbally and in writing, *the injustice and falsehood* of the imputa-
“ tions thus aimed at the Petitioner's character and conduct; and the
“ Minutes on the Petitioner's part, in answer to those of the President,
“ and addressed to him personally, not only express the indignation at such
“ ill-founded and unexpected attacks, but likewise shew the grounds on
“ which he considered himself authorized to apply the terms of *Injustice*
“ and *Falsehood* to the Charges which the President had made against him.”

A true extract, in my own hand writing.

(Signed)

JAM^s. STUART.

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From Lord MACARTNEY to Major General STUART.

Charles Street, Berkeley Square, Jan. 11th, 1786.

LORD MACARTNEY has received the note which Major General Stuart has thought proper to send to him, intimating his having laid a Petition before his Majesty, and quoting a passage from it; adding, that the whole may be seen at Lord Sydney's Office, or at the India House.—As far as any such Petition may convey the wishes of Major General Stuart respecting himself, Lord Macartney has no concern, and takes no part in the event of it, and can therefore have no occasion to inspect it; and as to any censure it may insinuate or express of Lord Macartney's conduct in the administration of the government that had been entrusted to his charge, those persons to whom he is accountable for his public conduct, if any such there be, who entertain a doubt of it, will ever find him ready to explain it to their satisfaction: but he is, and has long been, resigned to the consequences of having fulfilled the duties of his station, and to be exposed to the contradiction and opposition of those individuals whose misconduct he was, in his official capacity, obliged to take notice. He has, however, no apprehension that his character will be affected, or the justice and truth of Minutes adopted by the Select Committee of Fort St. George concerning Major General Stuart, be less manifest by the General's denial of the Charges against him, which fact and the records justify, and require not to be supported by any other means; but if Major General Stuart has any drift not express in the meer conveyance of his contradiction to those Minutes, he is desired to make it known, in direct terms, through any gentleman by whom he may chuse to convey it to Lord Macartney, who will take no notice of communications in any other manner from Major General Stuart.

From Major General STUART to Lord MACARTNEY.

Lower Grosvenor-street, January 12th, 1786.

MAJOR GENERAL STUART has received Lord Macartney's note of the 11th, the latter part of which needs only to be noticed at present.—He must for once acknowledge himself under obligations to his Lordship, for having brought matters between them so precisely to a point, and for having understood so properly the tendency of the intimation he received from G. S.'s note.

That there may be no ambiguity, however, about the *drift* of that intimation, M. G. S. thinks it proper to declare, that *one object* of it was, to take the first opportunity of communicating to Lord Macartney, the petition which he (G. S.) had presented to his Majesty, and the terms in which he had expressed himself with regard to his Lordship in that petition, thinking it would have been unsuitable on his part to make use of any terms with regard to Lord Macartney in his absence, which he was not equally ready to direct to him when present.

The *other object* was, that Lord Macartney, upon his arrival in England, might be ascertained, that General Stuart's sense of the atrocious injuries and injustice he had received from his Lordship was by no means abated by the distance of time or place, and that Lord Macartney might from thence perceive the inevitable consequences of what had happened.

General Stuart is happy to find that these consequences have occurred to his Lordship, and that he will be ready to meet them.—This point therefore is completely settled; and G. S. has only one additional favour to request of Lord Macartney, which is, that in the interval, this *settled conclusion* may remain inviolably secret.

The course of proceeding which G. S. had for a considerable time past settled in his own mind, as the most honourable and proper for him to pursue in this matter was this,—That as his character and military conduct had been traduced and attacked in the severest terms by Lord Macartney, it became a primary duty, on G. S.'s part, to address a petition to his Majesty, as the supreme judge of military merit, requesting the appointment of a court of enquiry, or a court martial, for investigating in the strictest manner the whole of his (G. S.'s) conduct, while in the command of the forces of his Majesty and of the East India Company in India, in order that such judgment might be passed upon that conduct, as the circumstances of it should appear to merit.—This G. S. has uniformly considered as a duty which he owed to himself and to his friends, as well as what every man in a public situation, entrusted with the command of an army, at a very critical and interesting period, owed to his king and country.

The *first object* of his wishes has therefore been to obtain that public opportunity of vindicating his honour and character, and of establishing, upon the ruins of detraction and misinformation, his claim to positive merit, in the conduct of the army intrusted to his command in India.—This opportunity, he flatters himself, will be very speedily obtained, especially as those causes of delay which might have been founded on the absence of Lord Macartney, the principal accuser, are now removed.

So soon as General Stuart shall have performed this duty, to the public and to himself,—or in the event of his being refused the opportunity of that public method of vindicating his honour and character (an event which he cannot permit himself to think possible), in either case, the mode suggested in the latter part of Lord Macartney's note, namely, "that of General Stuart's conveying his sentiments by a gentleman employed for that purpose," will most certainly be adopted without loss of time.

P. S. The friend whom General Stuart intends to be the bearer of the future message to Lord Macartney above alluded to, happens to be now at Bath, otherwise even this present communication would have been conveyed to his Lordship in that channel.

[To the preceding note, no answer either verbal or in writing was received.]

From Major General STUART to Lord MACARTNEY.

Lower Grosvenor Street, May 27, 1786.—Evening.

I HAVE used every possible effort since your arrival in England to obtain an examination of my military conduct while in India, by the most competent judges, and in the most public manner, in order that the false representations of it, which had originated with your Lordship, might be detected and exposed to public view,—but I have met with very unexpected delays.

My original intention was, that such public enquiry should precede every personal or private consideration of my own; but having remained so long in a state of uncertainty, and without any notification of an intention to grant the trial or enquiry so earnestly and repeatedly solicited on my part, I cannot, under these circumstances, think of delaying any longer the duty I owe to myself.

I therefore now demand that satisfaction, which as a Gentleman I have a right to insist upon, in consequence of complicated injuries sustained, proceeding either directly from you, or occasioned by the various misrepresentations and falsehoods on your part, respecting me and my conduct—Falsehoods the more unjustifiable, because in many instances they were contrary to evidence consistent with your own knowledge at the time.

It is needless for me to bring to your recollection all the instances which authorize me to express myself in these terms. It may be sufficient at present

sent to select one very remarkable instance, the particulars of which I have thought proper to insert in a State of Facts annexed to this letter.

From thence it will appear, that the representation you gave of me, and of my conduct, in your letter to the India Directors of 30th Sept. 1783, wherein you took occasion also to add *insult* to *injury*, has been in the most convincing manner, and by evidence upon oath, taken at the trial of Sir John Burgoyne, proved to be *totally false*, and that you knew it to be so, at the time you wrote that letter.

From the annexed State it appears likewise, that the story you had thus invented, and in which without the knowledge of Sir John Burgoyne you had made use of his name, as deriving your authority from him, has been positively contradicted by that respectable officer himself, notwithstanding the compliments, which, in your letter to the Directors, you affected to pay to him at my expence, and which he has honourably disdained to accept, knowing the injustice of the representation given of me in that letter.

I have now only to repeat my demand for immediate satisfaction, and am, &c.

(Signed)

JAM^s. STUART.

P. S. The Gentleman who has done me the honour to be the bearer of this letter knows my mind. He has full powers to settle what remains to be done, with you or with your friend.

(Signed)

J. S.

[Inclosure in the preceding Letter.]

STATE OF FACTS.

Extract of a Letter from Lord Macartney, &c. to the Court of Directors, dated 30 Sept. 1783.

“ FROM General Stuart he (Sir John Burgoyne) came to the President, Paragraph 117.
 “ He acknowledged he was desired to feign compliance with the wishes of
 “ Government, and to promise accepting the command; but he disdained to follow
 “ so reprobate a precedent; he declined the command; he honestly gave
 “ notice to the Committee, that Major General Stuart was about issuing
 “ orders, to be distributed that very night to the King's troops, and he
 “ avowed himself ready to obey them.”

“ The

Paragraph 118. "The illegal assumption of authority in itself, justifies the supposition of
"illegal designs, and in the present instance they could be no other."

Paragraph 119. "General Stuart had not since his return from Cuddalore been in the
"immediate command of the army; Sir John Burgoyne had under him
"that command. Major General Stuart could have at that time no orders
"to issue in the common course of carrying on the service; it must have
"been orders with a view to extraordinary purposes, fitted to the wild and
"desperate nature of his pretensions, and to the situation of his mind."

Paragraph 120. "He had left the Fort, and had with him the confidential person whom
"on particular occasions he preferred to the Adjutant General, for distri-
"buting his orders. The King's troops were little distant, and, through
"General Burgoyne, were ready to obey him."

(Signed)

MACARTNEY.

ANT. SADLEIR.

ALEX^R. DAVIDSON.

In the Court Martial which was assembled at Madras, in the months of June and July 1785, for the trial of Sir John Burgoyne, one of the witnesses produced by the prisoner was Richard Johnston, Esq. * who was called upon by Sir John Burgoyne expressly for the purpose of ascertaining the conversations which had passed between Lord Macartney and Sir John, at the Meeting of the Select Committee alluded to in the said Paragraph 117, and for disproving the remarkable assertion contained in the first part of that Paragraph.

The Account given by Mr. Johnston upon oath in answer to Sir John Burgoyne's Questions was as follows :

Question by Sir John Burgoyne.

Was you with me when I attended the Select Committee in the afternoon of the 17th of September 1783?

Answer. I was.

Quest. Did I tell you, I took you with me on purpose to be present at any conversation that might pass between me and the Governor?

Ans. You did; and on some difficulty being made to my going into the room, you said the same thing, or words to that effect, to the Governor.

* The Gentleman here mentioned is son to Lieutenant General Johnston, Colonel of the Second Dragoons.

Quest.

Quest. Did you minutely attend to what passed between his Lordship the Governor and myself?

Ans. I did; and took down notes.

Quest. Did you hear me during the time I was in the Committee Room, or with Lord Macartney, tell his Lordship, or any of the members, *That General Stuart had desired me to feign compliance with accepting the command?*

Ans. I never heard you make use of words of that import to any person whatever.

Same day, 4th July 1785, Alexander Davidson, Esq; *present President* and Governor at Madras, sworn.

Question by Sir John Burgoyne.

Did you ever hear me tell Lord Macartney, that General Stuart had desired me to feign compliance with accepting the command, but that I scorned such an act?

Ans. I do not recollect.

Quest. Did Lord Macartney ever tell you so?

Ans. I do not recollect.

Quest. Have you not signed a letter to the Court of Directors, in which you say, the Right Hon. President had informed you I did so?

Ans. I do not recollect.

Quest. Did you sign the letter to the Court of Directors of the 30th September 1783.

Ans. I beg to refer you to the records now before the Court.

In addition to the evidence which arises from the result of these examinations of Mr. Johnston and Mr. Davidson, it must be sufficiently clear from the questions put by Sir John Burgoyne, and from his being the person who called upon these witnesses, that he (Sir John Burgoyne) was convinced of the falsehood of the intelligence which, in the letter of the 30th September 1783, had been sent to the East India Directors, in that essential part of it, which had represented General Stuart as desiring him (Sir John Burgoyne) to feign compliance with the wishes of government, &c. And it must be evident, that Sir John Burgoyne, by these examinations of Mr. Johnston and Mr. Davidson, meant to detect the falsehood of that intelligence, notwithstanding the mixture of compliment which it contained to him personally, at the expence of General Stuart.

But

But if any doubt could possibly remain as to Sir John Burgoyne's positive contradiction of the intelligence which Lord Macartney pretended to have received from him, there is a Letter of Sir John Burgoyne's *hand-writing*, signed by him on the 18th June 1785, and addressed by him to a Person at Madras; which Letter is now in General Stuart's possession, and contains the following paragraph:

" I have to assure you, that I never told Lord Macartney General Stuart had desired me to feign compliance with the wishes of government, and to promise accepting the command."

" Mr. Johnston, who was with me purposely, can inform you of all that past.—No other conversation ever took place on the subject with General Stuart and me, but what I have communicated to you."

In consequence of the reference thus made to Mr. Johnston in Sir John Burgoyne's Letter, the Person to whom it was addressed wrote that same day, 18th June 1785, to Mr. Johnston, requesting that he would let him know, " if he heard Sir John Burgoyne inform Lord Macartney, or any other member of government, or any one else, then, or since that period, That he, Sir John, was desired by General Stuart to feign compliance with the wishes of government, and to promise accepting the command," &c.

To which enquiries Mr. Johnston gave the following Answer, by his Letter of 18th June 1785, now in General Stuart's possession.

" S I R,

" I have received your letter of this date, and have only to say, that Sir John Burgoyne did carry me with him on the 30th of September, purposely to be present at such conversation as might pass between him and government; that he desired me to be particularly attentive, which I was, and well recollect every circumstance.—He did not inform Lord Macartney, or any other member of government, that General Stuart had desired him to feign a compliance with the wishes of government, and to promise accepting the command. Nor did he ever, during the time I lived in his family, ever make use of words to that effect: and I do declare, the communication of this idea given me by you, is the first I ever heard of it. I have the honour to be,

" S I R,

" Your obedient humble Servant,

" RICH^d. JOHNSTON."

In addition to all the preceding proofs, there are two *affidavits* by Captain Close and Captain Smart, both Aids-de-camp to General Stuart, who, upon the 13th of October 1785, appeared before the Mayor of Madras, and there declared upon oath, " That they were present at the *whole* of the conversation that passed between Major General Stuart and Major General Sir John Burgoyne, on the 17th of September 1783; and that they never heard the said Major General Stuart, *directly or indirectly, desire or suggest to the said Major General Sir John Burgoyne to feign compliance with the wishes of Government, and to promise accepting the command*; nor did they hear any words mentioned between them the said Major General James Stuart and Major General Sir John Burgoyne on any subject tending to that purport or effect."

[*These Affidavits are in General Stuart's possession.*]

In the said paragraph 117 of the Letter from Lord Macartney, &c. to the India Directors, it is said, " But he (Sir John Burgoyne) *disdained to follow so reprobate a precedent.*" This part of the paragraph is, from intention, or accident, exprest in such a manner, that it may be understood either to be a repetition of words used by Sir John Burgoyne in his conversation with Lord Macartney, or to convey his Lordship's own commentary upon General Stuart's conduct. If the *first* of these was intended, the falsehood of it is proved in the most convincing manner: if the *second*, it was a most unjustifiable expedient made use of by Lord Macartney; first to assume for truth what he knew to be false, and *then* to take occasion, from that invented tale, to make a commentary upon General Stuart by a paragraph, which, in a few words, conveyed as much insulting and injurious abuse as the force of language was capable of affording.

With regard to the *orders* which General Stuart was to issue to the King's troops on the day on which he was arrested, it is said, " that they *must have been* orders with a view to extraordinary purposes, fitted to the wild and desperate nature of his (General Stuart's) pretensions, and to the *situation of his mind.*"

It is to be observed, that on the 30th of September, when Lord Macartney, &c. were thus endeavouring to fill the minds of the Directors with apprehensions about the nature of desperate orders, *intended to have been issued* by General Stuart, Lord Macartney himself must have known precisely the nature of these orders; for it appears from Sir John Burgoyne's defence upon his trial, that the very orders thus alluded to were sent to Sir John Burgoyne by General Stuart on the evening of 17th September, when he was arrested; and that he (Sir John Burgoyne) next day issued these precise orders, as the orders of General Stuart to the King's troops.

Orders thus publicly issued to his Majesty's troops at Madras, copies whereof are in the orderly books of every company in the King's service there, could not fail to be universally known at Madras, and Lord Macartney must have had a copy of them.—Therefore instead of mysteriously reasoning upon the nature of orders *pretended to be unknown*, it would have been more fair and candid to have stated the precise fact, and to have transmitted to the Directors a copy of these orders, that they might have been judged of from their contents, and not from Lord Macartney's commentary.

The tendency of these orders was to acquaint the troops in his Majesty's service, that the Select Committee had that day thought fit to dismiss him (General Stuart) from the service of the East India Company, but to declare, that he reckoned himself bound by the duty he owed to his Majesty and to the troops, never to relinquish the command of his Majesty's troops, to any authority inferior to that of his Majesty, from whose authority he derived that command; and the orders concluded with declaring that "He hoped
" and trusted that his example would be followed in every thing for forwarding the public service, at a crisis when unanimity in public exertion
" had become so essential to the national interest, and to the real good of
" the Honourable East India Company."

When Sir John Burgoyne in the course of his trial was put upon his defence, he insisted, that these orders of General Stuart's of the 17th September should be publicly read to the judges upon his Court Martial, who would then judge, whether he acted with propriety in telling the Right Honourable President (Lord Macartney), that he would obey them; and Sir John Burgoyne in his defence added, that he wished General Stuart's orders to have their proper effect in the minds of the officers and soldiers.

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The acquittal of Sir John Burgoyne by the Court Martial, shews what was their sense of his conduct upon this and other occasions.

The paragraph 120 of the Letter to the Directors of 30th September 1783, says, " That General Stuart had left the Fort, and had with him the confidential Person whom, on particular occasions, he preferred to the Adjutant General for distributing his orders," &c. This is stated as a circumstance for persuading the Directors that General Stuart was at that time meditating some very extraordinary purpose.

The Adjutant General alluded to by Lord Macartney is Lieutenant Colonel Malcolm, who was Adjutant General *to the Company's troops only*; but the Person employed by General Stuart upon this and other occasions, in his *separate orders* to the King's troops, was Major (now Lieutenant Colonel) Grattan, the Adjutant General to his Majesty's troops in the East Indies, who had been employed in that capacity by Sir Eyre Coote, and of course by General Stuart.—The very orders issued by General Stuart on the 17th of September 1783, were signed by Major Grattan, describing himself thus, " Adjutant General to his Majesty's forces in India."—These particulars must have been known to Lord Macartney at the time when he signed the Letter to the Directors of 30th September 1783.

(Signed)

JAM^s. STUART.

The preceding Letter of 27th May, with the State of Facts therein referred to, were, on the 28th May, delivered by General Stuart's Friend to Lord Macartney, who immediately agreed to accept of General Stuart's Invitation, but stated his reasons for proposing a delay of eight or ten days, for settling his private affairs.—These reasons were reported to General Stuart, who acquiesced in them as very proper.—On this footing matters remained till Wednesday the 7th of June, when the following Notes from Lord Macartney to Colonel Gordon, dated the 6th, and received by Colonel Gordon the Morning of 7th June, were communicated to General Stuart.

From Lord MACARTNEY to Colonel GORDON.

LORD MACARTNEY has the honour of sending a Paper for Colonel Gordon's perusal.

The Gentleman who delivers it will settle all other points.

Charles Street,
June 6th, 1786.

[Inclosure under the same Cover.]

NOTE for Colonel ANDREW GORDON, in consequence of the Letter inclosing State of Facts, from Major General STUART, dated May 27th, 1786, and delivered by Colonel GORDON to Lord MACARTNEY on the 28th May, 1786.

Charles Street, B. S. June 6th, 1786.

IF any Gentleman, feeling himself hurt by such a representation as, in a public capacity, I thought it my duty to make of him, requested in decent terms an explanation of the same from me, I should be very much disposed to give it to him; but when Major General Stuart thought fit, in January last, the very day after my arrival in London from India, to send a Letter with Inclosures to me, censuring in unqualified expressions my public conduct in relation to him, and contradicting my assertions, I held it sufficient to observe, that those persons to whom I was accountable for my public conduct, if any such there were, who entertained a doubt of it, would ever find me ready to explain it to their satisfaction; but that I was long resigned to the consequences of having fulfilled the duties of my station, and to be exposed to the contradiction and opposition of those individuals, of whose misconduct I in my official capacity had been obliged to take notice; concluding by saying, that if Major General Stuart had any drift not directly expressed (which it was sufficiently obvious he had), I desired he might make it known through any Gentleman whom he might chuse to appoint, as I should take no notice of communications in any other manner from him. The General, by a second Paper sent to me in the same month of January, seemed perfectly satisfied with my conceiving at once the object to which he aimed, and which being once decided upon, all farther discussion of the subject that led to it is out of time, and a renewal of accusation and abuse loses its edge, as not being able to provoke to more than was already determined to be done;—on every account, therefore, Major General Stuart has no right to expect that I should take notice of his
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late Letter and Inclosure, otherwise than by settling with his friend, as I have done, the point of ultimate satisfaction, which the General has in view.—I wish, however, that his Friend should know, that I have no difficulty in repelling the accusations contained in the Papers communicated to him by Major General Stuart;—for I was authorised to declare, that Major General Sir John Burgoyne *did acknowledge, that he was desired to feign compliance with the wishes of government, and to promise accepting the command, but he disdained to follow so reprobate a precedent*; because the fact certainly is, that Major General Sir John Burgoyne did relate such desire or advice to me on the 17th September 1783; and as I knew no motive that could induce him to make such assertion without ground, I believed him, and therefore used the expression of his having acknowledged such advice. What was the cause or motive of his subsequent denial of this assertion, whether he forgot that he had made it among others in the course of a long and desultory conversation, when his mind was considerably agitated; or whether, from the shame of having betrayed what was no doubt meant to be a very private and confidential request, or advice, he chose to screen himself under a denial of the same precise words, notwithstanding a consciousness of having conveyed the same precise idea, I am not interested to enquire; or whether his brother-in-law, Mr. Richard Johnston did really hear every word spoken by Sir John Burgoyne in the different parts of the Fort-house, sometimes in my apartments, sometimes in the Council-chamber, and sometimes in the Veranda, or Gallery before the Fort-house, during the conferences, which lasted altogether, in those different places, during several hours, on the 17th September 1783, without all which, such negative testimony is deserving of no attention: but it is a positive truth and fact, that I did hear Sir John Burgoyne make that declaration; and I find that it is also in the clear and perfect recollection of the only person now in England, Sir George Staunton, who was present at those conferences, and who drew up an account of them at the time.—By the extract from the Court-martial, contained in Major General Stuart's Paper, it does not appear, that Mr. Davidson had his recollection present when examined on that occasion. He could not indeed hear the whole of what passed at those conferences with Major General Sir John Burgoyne on the 17th September 1783, as he was there only during a part of them; for I did not summon, in the afternoon of that day, the Select Committee of the Council, of which he was a Member, until after I had some considerable conversation with Sir John Burgoyne. It is not probable that any one person heard the whole of what was said during that day; but it is probable that Mr. Hudleston, then Secretary to the Select Committee, and who was present from the beginning, heard Major General Sir John Burgoyne mention the ad-
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vice he had thus received; but, as I was refused a sight of the proceedings of the Court Martial when in India, notwithstanding my solicitations for that purpose, it is not surprising that I should be ignorant whether that Gentleman's evidence was taken, or whether he was examined to this point. This fact is related in the Select Committee's Letter historically, and not as any ground on which our determinations rested, or were to be justified, and therefore would have been an invention, neither likely to occur, nor useful to be made, nor necessary to our purpose.

The fact of Major General Stuart's issuing orders to the troops after he was dismissed from the Company's service, as asserted by me to have been asserted by Major General Sir John Burgoyne, is indeed a fact much more essential in this business, and does not appear to have been denied. As to my reasoning upon that fact, it must bear itself out, and it has done so. My fundamental and decisive position was, that after Major General Stuart had been dismissed from the Company's service, it was an illegal act in him to issue any orders to any troops in India, and that position is found, on the most deliberate and scrupulous examination here, to be unquestionably right. My Letter of the 30th September 1783, accounted for the measure, among others, of ordering Major General Stuart to be arrested in the afternoon of the 17th September 1783. The propriety of that measure was to depend on the facts I knew, or had a right to assume at that precise time. I knew that Major General Stuart had then no right to issue any orders. I knew he was actually issuing orders, and if my reasoning be just, as it is found to be, I had a right to assume that the purport of the orders was as illegal, as the authority to issue them. No fact that could come only to my knowledge afterwards could have been brought by me in justification of that measure, and I am sufficiently justified, if the facts then within my knowledge authorized the measure, even if others had come afterwards to light, which if then known, ought to have prevented it. My Letter therefore of the 30th September 1783 properly and clearly alluded to and reported my reasoning on the afternoon of the 17th day of the same month, previous and leading to the determination of arresting Major General Stuart. Nor did any fact come in that interval or since to light, capable of overturning or weakening the inferences I then drew, for I know no fact that has appeared to prove that the orders which Major General Stuart was preparing to issue to the troops, when he was at liberty, and without expecting to be arrested before he could issue them, were the identical orders, which, after he had been arrested, he thought in his new position proper to send to Major General Sir John Burgoyne to issue to the troops; and if, as is likely, for it could not be avoided without inconsistency, those orders took notice of the new event

event that took place with regard to him, those orders must of course differ from those which were preparing before such event took place. Another event did happen after the arrest, which has added great probability to the inferences which had been drawn by me before it. Major General Stuart was allowed, upon being arrested, to gather up the Papers, on which he was busy at his table with Major John Grattan, his Secretary and Aid-de-Camp, and which Papers probably were, or were in part, those orders so intended to be issued; Major General Stuart took those papers with him into his Palankeen, which conveyed him from the place of his arrest towards the Fort, and in his way thither he was observed to tear several Papers.

It is not unwarrantable to conjecture that Major General Stuart would not, on so critical an occasion, gather Papers about which he appeared to be anxious for the purpose of tearing them as useless, and therefore that he was anxious about them, and in a hurry to destroy them, as being Papers of an illegal purport, that would if seen confirm the suspicion of his illegal designs.

I was as justifiable in denying the legality of Major John Grattan's appointment in India by Sir Eyre Coote to be Adjutant General of the King's forces, as I have been in denying the legality of Major General Stuart's issuing orders to the troops after his dismissal from the Company's service. His Majesty has, by the Secretary at War's Letter, declared, that the appointment could only be made by the King himself; and consequently Sir Eyre Coote had no authority to appoint Major Grattan. Major Grattan was not therefore in September 1783 Adjutant General of the King's troops. Nor, as I did not then allow any such pretension on his part, could I officially describe him otherwise than as I justly described him, the confidential person whom on particular occasions he Major General Stuart preferred to the Adjutant General Lieutenant Colonel Malcolm for distributing his orders.

(Signed) MACARTNEY.

ON Thursday the 8th of June the meeting between Lord Macartney and General Stuart took place.—The preceding pages are confined to the Correspondence which passed previous to that date.

By this means Lord Macartney's Note to Colonel Gordon of the 6th of June, the last Paper in this collection, is permitted at present to have
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its effect on the minds of those who, either from partiality or inattention, may be disposed to allow any weight to the contents of that Paper: it was intended by Lord Macartney as an Answer to some specific Charges brought forward against his Lordship in General Stuart's State of Facts of the 27th May, which Charges were selected as some out of various instances of injuries sustained by General Stuart from Lord Macartney's hostile and unjust conduct towards him.

These Charges, so specified in the State of Facts, consisted of Three Articles; the first of which relates to what passed between Lord Macartney and Sir John Burgoyne in the Committee Room at Madras on the 17th September 1783.—On that subject General Stuart charged Lord Macartney with a wilful misrepresentation of the fact; aggravated by an injurious and malevolent commentary of his own, founded upon that misrepresentation.

It appears from Lord Macartney's Note to Colonel Gordon, that his Lordship has now recourse to the aid of the *clear and perfect recollection* of his late private Secretary Mr. George Staunton, now Sir George Leonard Staunton, of the kingdom of Ireland, Baronet, in order to support his own assertion, and the various loose conjectures which have been formed to justify the transferring the blame from himself to the late Sir John Burgoyne, whom he has now thought proper to load with imputations of the most degrading nature, contrary to the evidence arising from the strong and accumulated proofs mentioned in the State of Facts, which clearly substantiate the Charge made against Lord Macartney on this Article.

It further appears from the Note to Colonel Gordon, that Lord Macartney has there altogether avoided any justification of the *insulting and injurious commentary* made by him in paragraph 117 of his Letter to the Directors, of 30th September 1783, and to which his attention had been so particularly called by General Stuart in the State of Facts.—The expressions in that commentary were, in themselves, unjustifiable; and though, from the artful method of arranging the whole of the paragraph 117 in the Letter to the Directors, and from the mode adopted in Lord Macartney's Note to Colonel Gordon, of extracting *part only of that paragraph*, there seems to have been a wish that the commentary should

should be ascribed to Sir John Burgoyne; yet it must be obvious to every person who reads the whole with attention, that there has been a consciousness on Lord Macartney's part, of the impossibility of transferring the unwarrantable commentary from himself to Sir John Burgoyne, even after the death of that officer.

The *Second Article* related to the orders to the King's troops, prepared by General Stuart on the 17th September. Upon this Article Lord Macartney has thought fit to express his disbelief of what General Stuart has most solemnly and positively asserted, which disbelief is supported merely by conjectures, guesses, and patched-up circumstances, with a view to convey an impression, that the orders prepared by General Stuart on the 17th September, before his Arrest, were not the same with those which afterwards were issued on the 18th, but, on the contrary, that the original orders must have been not only of a very different, but of a very dangerous tendency; to strengthen which conjectures Lord Macartney has ventured to insinuate, without expressly affirming it, that the orders issued by General Stuart to the King's troops took notice of *his Arrest*.

If this last-mentioned fact were true, it would no doubt prove that the orders prepared before the arrest had been varied after that event; but the fact is directly otherwise, for there is no mention of the arrest from the beginning to the end of General Stuart's orders.

In answer to the whole of the arguments and conjectures which Lord Macartney, on the most vague and trifling circumstances, has formed against the identity of the orders, General Stuart in the first place opposes and here repeats his own positive and most solemn assertion; he next appeals to the contents of the orders themselves, and to the testimony of Sir John Burgoyne, who received them on the 17th, issued them to the King's troops on the morning of the 18th September, and in his Report to the War-Office, dated in the same month of September 1783, speaking of these orders, has expressed himself in the following words: "In the night of the 17th September, Adjutant General Grattan brought to me an order from General Stuart (No. 6.) *wrote before his Arrest,* which I took with me, and sent to the 23d Light Dragoons, 36th, 52d, 73d, and 98th."

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General

General Stuart might also appeal to the testimony of Major Grattan, the Adjutant General, who must necessarily have known if there had been any change of the orders; but fortunately he has it now in his power further to appeal to decisive written evidence at the India-House, as well as at the War-Office, which puts this matter beyond the reach of cavil.

With regard to Lord Macartney's assertion, That General Stuart had *no right* to issue any orders at that time; his Lordship is pleased to take for granted the very thing which then was, and still is in dispute. Lord Macartney must know, that while General Stuart admitted he had no right to give orders to the Company's troops after dismissal from their service, he at the same time uniformly maintained, and still does maintain, that he had a right to give orders to the *King's troops*, because he neither was, nor ever could be dismissed from the command of the King's troops by Lord Macartney, or by any authority inferior to that of the King himself; and this was the opinion not only of General Stuart, but of the King's other officers in India, which has been ascertained by a variety of evidence produced to the court martial upon Sir John Burgoyne's trial at Madras; and particularly it was known to Lord Macartney and the Select Committee to be the decided opinion of Sir John Burgoyne, the officer next to General Stuart in the command of the King's troops, and whose interest, therefore, it was, upon that occasion, to have maintained a contrary doctrine.

It is therefore not fair representation to suppose that the orders to be issued by General Stuart must have been of course illegal, and calculated for desperate purposes, when they were issued under such authority as General Stuart has, from the first moment to the present time, uniformly maintained to be perfectly legal; and to this hour that question of the legality, and of General Stuart's right to continue in the command of the King's troops until his Majesty's pleasure should be known, has never been decided by any authority competent finally to settle this matter.

But even admitting that the question were now to be decided contrary to the opinion which has hitherto been entertained by General Stuart and the King's officers in India, such subsequent judgment would not amount

to a proof, nor countenance a rational suspicion that orders, which had been issued in consequence of a real, though an erroneous opinion of the powers to issue them, must, on that account, have been formed for *desperate and extraordinary purposes*. The very reverse of that proposition is more accurately true, if any inference is to be drawn from such premises.

If General Stuart's acting, in consequence of his opinion, because different from that of Lord Macartney, is to be held as proof of illegal designs on his part; by the same rule G. S. might impute illegal designs to Lord M. because, in a question relating to the King's troops, he (Lord M.) acted in consequence of his opinion, in opposition to that of General Stuart, and of all the officers of the King's army.

The mode of reasoning adopted by Lord Macartney is somewhat singular, General Stuart having denied the power of the Select Committee to take from him the command of the King's troops, of which he was actually in possession, with all its consequent powers, this *retaining* of the authority, with which he was then invested, his Lordship chuses to describe as an *illegal assumption of authority*; and, taking this for granted, his argument and representation of General Stuart's conduct runs thus:

"The *illegal assumption of authority* in itself justifies the *supposition* of Paragraph 118.
" *illegal designs*, and in the present instance they *could be no other*."

"Major General Stuart could have at that time no orders to issue Paragraph 119.
" in the common course of carrying on the service, *it must have been or-*
" *ders with a view to extraordinary purposes, fitted to the wild and de-*
" *perate nature of his pretensions, and to the situation of his mind*."

These paragraphs in Lord Macartney's Letter to the Directors, though they might produce some criticisms upon the insufficiency of his Lordship's reasoning, would have been comparatively innocent and justifiable, if, at the time when he was thus arguing upon the nature of these orders, he could have truly declared that he was totally ignorant of the orders which had actually been issued; but the fact is, and Lord Macartney has not ventured to deny it, that on the 30th September 1783, when his memorable Letter to the Directors, calculated for the

the purpose of justifying all his violence and outrages against General Stuart, was written, he knew perfectly well the nature of the orders which General Stuart had prepared for, and issued to the King's troops. In common fairness, therefore, one might have had reason to expect that he would have forwarded to the Directors a faithful copy of these orders to speak for themselves, instead of exerting his ingenuity to fill their minds with apprehensions about the nature of orders pretended to be at that time unknown.

If Lord Macartney had sent home a faithful copy of the orders issued, and if he had accompanied it with a paragraph intimating his disbelief of these being the identical orders which General Stuart before his Arrest had intended to issue, and given his reasons for that disbelief, such conduct would have been fair, honourable and unexceptionable; but when it appears that Lord Macartney, with a perfect knowledge of the orders which General Stuart had issued to the King's troops, withheld that knowledge from the Directors, this conduct must authorize a suspicion at least, that the disbelief which his Lordship has now thought proper to express about the identity of the orders, did not occur to him at the time of his writing to the Directors on the 30th of September 1783, and that the only reason for his withholding from the Directors the orders which had been issued was, that their contents, instead of confirming, would have served to disperse those alarming apprehensions, which it suited Lord M.'s purpose to raise concerning General Stuart's intentions; it was therefore perfectly consistent, and much more convenient for his Lordship, to assume the appearance of complete ignorance of the *real orders*, that he might be at liberty, by the force of his reasoning, to convince the Directors of the desperate and extraordinary nature of *any orders* that could have been issued by G. Stuart.

The *Third Article* related to the Person employed by General Stuart for distributing his orders to the King's troops; Lord M. has endeavoured to justify the mysterious paragraph in his Letter to the India Directors on that subject, and his avoiding the mention of Major Grattan's name, on this ground, that he had never admitted
Major

Major Grattan's right or pretensions to the office of Adjutant General to the King's troops.

In this place it needs only be noticed, that the *General Orders* of Sir Eyre Coote to all his Majesty's troops in India, had announced Major Grattan as the Adjutant General to those troops, and Major Grattan had actually exercised the duties of that station long before General Stuart succeeded to Sir Eyre Coote in that command. General Stuart did therefore no more than continue Major Grattan in that station to which he had been appointed by Sir Eyre Coote. But G. Stuart uniformly maintained, that neither the President, Lord Macartney separately, nor the Company's government collectively, had any right to interfere with the *Staff* appointments of the King's army in India, nor with the discretionary exercise of the General's authority in that respect, in the manner that Lord M. had done in the instance of Major Grattan the Adjutant General, and in that of Lieut. Colonel Cathcart, the Quarter Master General to his Majesty's troops, both of whom were appointed by Sir Eyre Coote.

It is not surprising that Lord Macartney, upon his plan of raising apprehensions concerning what General Stuart intended, should have chosen to avoid the mention of Major Grattan's name expressly, and that he should have preferred to it a circumlocution and mysterious description of the Person with whom General Stuart was at that time employed. Lord M. knew too well the established character of that officer in point of honour, and knowledge of his duty, not to know that wherever Major Grattan's name was mentioned, he would be considered as the last person likely to be employed for the execution of any improper designs; and his Majesty, by confirming the original appointment of Adjutant General to the King's forces in India, to Major (now Lieutenant Colonel) Grattan, has evinced the just sense entertained, both as to the propriety of that measure, and the merits of that officer.

Major General Stuart, who by various paragraphs in newspapers, and otherwise, has been loudly called upon to give to the Public an account of the Correspondence which preceded, and immediately led to

the meeting between Lord Macartney and him, abstains at present from entering into a further refutation of the facts and conjectures resorted to by Lord Macartney for his justification, in all or any of the particulars above-mentioned.

But he thinks it a duty incumbent on him to declare, that if, contrary to expectation, he should find any impressions, unfavourable either to himself or to the memory of Sir John Burgoyne, created from the fallacious assertions and arguments inserted in Lord Macartney's Note of 6th June to Colonel Gordon, he shall certainly take an early opportunity of detecting, by further convincing and unequivocal Proofs, *First*, The fallacy and injustice of what has been imputed by Lord Macartney to Sir John Burgoyne.—*Secondly*, The absurdity and injustice of the commentaries and conjectures to which Lord Macartney has resorted, relative to the orders prepared before the Arrest on the 17th, and actually issued to the King's troops on the 18th September, 1783.—And, *Thirdly*, The futility of the excuse made by Lord Macartney, for avoiding the mention of Major Grattan's name, in order to convey an impression, false in fact, that General Stuart, having some desperate purpose in view, had avoided the regular channel of conveying his orders to the King's troops through the Adjutant General, and associated himself, on that occasion, with some person of a description calculated for carrying into execution desperate and illegal designs.

(Signed)

JAM^s. STUART.

Lower Grosvenor Street,
21st June, 1786.



